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UNITED STATES COURT OF APPEALS

APR 29 AM 11:48
U.S. COURT OF APPEALS

APR 25 2008

FOR THE NINTH CIRCUIT

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

DARRYL LAMAR TOLLIVER,

Plaintiff - Appellant,

v.

M. THORTON; et al.,

Defendants - Appellees.

No. 07-17315

D.C. No. CV-07-03921-VRW
Northern District of California,
San Francisco

ORDER

On March 14, 2008, this court ordered appellant, within 21 days, to pay the filing fees and show cause why the judgment in this appeal should not be summarily affirmed. The order warned appellant that failure to pay the fees and to show cause would result in the automatic dismissal of the appeal by the Clerk of the Court. To date, appellant has not complied with the court's order.

Accordingly, this appeal is dismissed for failure to prosecute. *See* 9th Cir. R. 42-1.

This order served on the district court shall act as and for the mandate of this court.

FOR THE COURT:

Molly Dwyer
Clerk of Court

By: Dan Torres
Motions Attorney/Deputy Clerk
9th Cir. R. 27-7
General Orders/Appendix A

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United States Court of Appeals for the Ninth Circuit

Notice of Docket Activity

The following transaction was entered on 04/25/2008 at 9:34:12 AM PDT and filed on 04/25/2008

Case Name: Tolliver v. Thorton, et al
Case Number: 07-17315
Document(s): Document(s)

Docket Text:

Order filed (Deputy Clerk: DT) Dismissing case for failure to prosecute (Cir. Rule 42-1). Pursuant to Ninth Rule 42-1, this appeal is dismissed for failure to pay fees and show cause... A copy of this order shall act as and for the mandate of this court... [Default;Procedural termination without judicial action;].

The following document(s) are associated with this transaction:

Document Description:Dispositive Clerk Order Filed

Original Filename:07-17315.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1106763461 [Date=04/25/2008] [FileNumber=6513212-0]
[80621252d3216c5d2c26001ce0a98afbe603043ac6de4aacb191f401d7cb2e73b363dc14132c72269ff7121

Notice will be mailed to:

Tolliver, Darryl Lamar
FSP - FOLSOM STATE PRISON (FOLSOM)
P.O. Box 950
Folsom, CA 95763-0000

USDC, San Francisco
Northern District of California (San Francisco)
P.O. Box 36060
San Francisco, CA 94102-0000

The following information is for the use of court personnel:

DOCKET ENTRY ID: 6513212

RELIEF(S) DOCKETED:

to dismiss case for failure to prosecute under Circuit Rule 42-1

DOCKET PART(S) ADDED: 5595820, 5595821